



**Dated: October 15, 2010**

**The following is ORDERED:**

**BY THE COURT:**

A blue ink signature of Terrence L. Michael is written over a horizontal line.

**TERRENCE L. MICHAEL  
UNITED STATES BANKRUPTCY JUDGE**

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**IN RE:  
DOUGLAS W. FUNBURG  
KELLY A. FUNBURG,**

**Case No. 10-81658-TRC  
Chapter 13**

**Debtors.**

**ORDER EXTENDING THE AUTOMATIC STAY**

On the 7th day of October, 2010, the Debtors' Motion for Continuance of the Automatic Stay pursuant to 11 U.S.C. § 362(c)(3)(B) (Docket Entry 13) came on for evidentiary hearing before this Court. Appearances were entered by Thomas M. Wright, attorney for Debtors, and Richard Walden, Attorney for William Mark Bonney, Chapter 13 Trustee.

Debtors submitted an offer of proof that if they were called to testify, their testimony would be as follows:

1. The hearing is being held within thirty (30) days of this case being filed;
2. The Debtors' previous case was not dismissed for failure to amend a document, failure to provide adequate protection, or failure to comply with the terms of a confirmed plan;
3. No creditors moved to lift the automatic stay in their previous case; and
4. There was a substantial change in circumstances between the events of the previous case

and the filing of this case. Four months after the previous plan was confirmed the mortgage holder filed a proof of claim that increased Debtors' mortgage payment retroactively by \$250 per month, resulting in an increase of their plan payment to an amount that they were not able to afford. The full amount of the refund of funds paid into the previous case has been contributed to this new case, allowing Debtors to propose and confirm a plan with payments that they can afford.

After reviewing the record and receiving the Offer of Proof, this Court finds:

1. Proper notice of this Motion and Notice of Hearing was given to creditors, and no objections have been filed in opposition to the relief requested.
2. The Court accepts the Offer of Proof and the facts stated therein as true.
3. Debtors previously filed a Chapter 13 bankruptcy in this Court, Case No. 10-80110, which was dismissed on September 3, 2010, on Motion of the Debtors.
4. Debtors filed this case on September 17, 2010.
5. Based upon the Offer of Proof, the issues surrounding the modification of the mortgage holder's claim together with Debtors' contribution of the refund from the previous case to this case establish that Debtors filed this case in good faith as to all of their creditors.
6. Cause exists under 11 U.S.C. §362(c)(3)(B) and (C) to continue the stay in this case as to all creditors.

IT IS THEREFORE ORDERED that Debtors' Motion for Continuance of the Automatic Stay pursuant to 11 U.S.C. § 362(c)(3)(B) (Docket Entry 13) is hereby **granted**, and the Automatic Stay is hereby extended as to all creditors until the close of this case or further order of this Court.

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